

the system. The Examiner states that Kondo differs from the claimed invention in that the customizable consumer products are not shown to be cleaning products.

Chan et al. is said to disclose a means for measuring the amounts of reactants added to a solution wherein the solution is a customized cleaning product.

The Examiner then concludes that it would have been obvious to one of ordinary skill in the art to modify the process of Kondo to include customizing cleaning products as taught by Chan to provide consumers with a simple means of controlling cleaning product characteristics using a vending system. The Examiner also concludes that it would have been obvious that the process of Kondo could be used to customize cleaning products. This rejection is respectfully traversed.

Claims 4, 5, 8, 9, 10, 13, 16 and 17 have been rejected under Section 103(a) as being unpatentable over Kondo et al. in view of Chan et al. and further in view of Partyka et al. Partyka is said to disclose a system for monitoring multiple remote vending systems that include a remote means of operating the system comprising an electronic communication device.

The Examiner concludes it would have been obvious to modify the process of Kondo in view of Chan to include a remote means of operating the vending system as taught by Partyka. This rejection is respectfully traversed.

Kondo/Chan Rejection

First, the Applicants wish to point out that Kondo does not describe a system of vending consumer products but rather describes a system for vending coffee. The title is "AUTOMATIC COFFEE VENDING MACHINE BEING ABLE TO SERVE A STRAIGHT COFFEE AND A BLENDED COFFEE SELECTIVELY." The description and claims are all described in terms of vending and blending coffee. Thus, the Applicants assert that there is no suggestion that this system could be used for dispensing cleaning products.

Chan discloses a sensing arrangement for sensing the addition of reactants to a solution which is then used for cleaning. In other words, Chan discloses a commercial washing machine system. This is not a vending system nor is there any disclosure or suggestion in Chan of any vending system.

The Applicants assert that one of ordinary skill in the art would not combine Kondo with Chan because they are not related. Kondo relates to vending machines and Chan relates to commercial washing machines. For this reason, the Applicants assert that the rejection should be withdrawn.

Even if Kondo and Chan were combined, the combination does not render the claimed invention obvious. The system and machine described by Kondo is entirely related to making a final coffee product, i.e., a reconstituted coffee product. The system and machine of Kondo does not provide the consumer with the option of obtaining a cleaning product which is not reconstituted.

Paragraph 25 of the present application describes the value of having the option for producing a reconstitutable and/or a reconstituted cleaning product. For ease of transport, the consumer may wish to leave the customized consumer product in concentrated form until the product is in the use environment such as in the consumer's home whereupon the product may then be reconstituted by the consumer. This option is not provided in Kondo nor is it suggested in Chan. For this reason, the Applicants assert that even if it was acceptable to combine Kondo with Chan, the combination would not render the Applicants invention obvious.

The Kondo/Chan/Partyka Rejection

The Applicants hereby incorporate the arguments made above with respect to the combination of Kondo and Chan. The Applicants assert that even if Kondo and Chan are properly combined, their combination with Partyka does not disclose the invention described in claims 4, 5, 8, 9, 10, 13, 16 and 17 of the present application, i.e., a process and system wherein a remote means of operating the vending system is utilized.

The Examiner is correct in the statement that Partyka discloses a system for monitoring multiple remove vending system but is incorrect in stating that Partyka includes a remote means of operating a system comprising an electronic communication device. The system of Partyka merely involves the collection of information which is transmitted to a remote location wherein a service schedule is produced (see column 2, lines 5-9, column 9, lines 44-57 and column 11, lines 18-30). The vending machine is not "controlled" by this system. It merely provides a report at the office of the supplier for the vending machine to indicate when the vending machine should be serviced by a driver.

The invention claimed in the claims described above describes a clear means for controlling the operation of the vending machine from a remote location. This is described in paragraphs 50-53 of the present application. It allows the point of selection to be positioned at a location separate from the point of dispense. The vending system can then be programmed to produce the product at a time and in a location that suits the consumer. For example, the consumer could make the order from home prior to a visit to a point of dispense at a remote location. Clearly, this is advantageous.

For the reasons discussed above, the Applicants assert that the Kondo/Chan/Partyka rejection has been overcome. An early notice of allowance is respectfully requested.

Respectfully submitted,

DAVID R. DUDEK, JOHN M. L. JONES,
DAVID C. MURRAY, and PETER SANDIFORD

By _____

Attorney, Donald F. Haas
Registration No. 26,177
(713) 241-3356

P.O. Box 2463
Houston, Texas 77252-2463